

Mental Health

Berlin Irving

With the publication of Hitler's War so-called historian David Irving has succeeded in causing yet another of his famous controversies by suggesting that Hitler knew nothing about the Final Solution to the Jewish "question". The controversies reveal a clear pattern which has been followed for over fourteen years. Despite Irving's appalling record, publishers like Hodder & Stoughton ("Book publishing is an act of faith" — Philip Attenborough, chairman) continue to publish his books, presumably because they make a lot of money. Irving, an unattractive looking man who clicks his heels when introduced to women, first came to general public attention in 1963 when at the age of 23 he published *The Destruction of Dresden*. The thesis of the book was that more civilians had been killed as a result of the Allied saturation bombing of Dresden than at Hiroshima. This turned out to be hopelessly wrong, and Irving later had to admit that he had overestimated the number of deaths at Dresden by between five and ten times. Nevertheless the statistic is still quoted.

Irving's next book *Accident* concerned the circumstances surrounding the death of General Sikorski, the Polish war leader. Irving came to the conclusion that Sikorski's death had been accidental. This did not stop him shortly afterwards from encouraging and co-operating with German playwright Rolf Hochhuth in writing a play *Soldiers* which stated that Sikorski's death had been arranged by the British and notably by Winston Churchill. Not only did Irving defend the Sikorski lie in print and on television but he actively sought to prevent publication of a detailed rebuttal of the Hochhuth thesis by actor Carlos Thompson.

To begin with Thompson's publishers, Colin Smythe Ltd, were subjected to a bombardment of anonymous threatening and abusive phone-calls warning them not to publish his book, *The Assassination of Winston Churchill*. When these attempts failed, the literary editors of all the main national newspapers received photostats of an article allegedly "translated" from the German magazine *Der Spiegel*. The photostat, purporting to come from Colin Smythe was deliberately constructed to denigrate Thompson. A fortnight later editors of all the main newspapers were sent a 33-page document by Irving outlining a mass of allegations against Thompson. (As a result of one of the allegations in the document, Irving was forced to apologise to Gillian Page of the *Sunday Express*. Irving had alleged that an interview by Mrs. Page with Hochhuth was "the result of a fertile brain". In fact Mrs. Page had had a long interview with the playwright which formed the basis of the article.)

Irving next went on German television to tell viewers that Thompson was mentally deranged and lying in a nursing home — yet another lie. He finally issued a writ in 1970 against Thompson and Smythe alleging that the book subjected him to "public odium and ridicule". As a result, in a fit of typical cowardice, W.H. Smiths and other leading booksellers refused to stock Thompson's excellent book. Every attempt by Thompson and Smythe to get the case heard was met by prevarication and backpedalling on Irving's part. Eventually in 1972 Irving was forced to consent to an order dismissing the case for want of prosecution and costs were awarded against him. He pleaded poverty and Smythe had to



DAVID IRVING (Moustache by Tom Keating)

agree to accept a smaller sum paid in instalments. Thompson's book was effectively ruined.

Irving next tackled the subject of the wartime convoy PQ17. According to evidence later given in court, he first offered the book to the publishers of *Accident* Kimbers. They sent the book to Stephen Roskill, Fellow of Churchill College Cambridge and author of the official history *The War at Sea*. Roskill concluded, "This book reeks of defamation". As a result Kimbers demanded substantial cuts and alterations in the text. Irving refused and took the book to Cassells who surprisingly agreed to publish it. When the captain of the convoy's escort, Captain Broome saw a proof copy of the book, he immediately issued a writ for libel. After a long hearing the jury awarded Broome record damages of £40,000, a verdict that was upheld on appeal. In the course of the appeal Lord Justice Phillimore described Irving as "a grasping, conceited and foolish young man". At the original hearing, David Hirst, QC, had accused Irving of mounting a "conscious witch-hunt" against Broome. He said "Not merely did Irving know it was libellous but he positively welcomed the prospect of including sensational passages in his book because he thought that they would raise a furore about the book and so enhance its sales". On appeal, Lord Denning took the same view, asking why Cassells had gone ahead with the book, knowing it to be defamatory and concluding that they must have thought that the profits from sales would outweigh libel damages. (Cassells later sued Irving for £100,000).

Support for Denning's view came from Irving himself. On 27th January 1970 he boasted, "The Establishment will never destroy me, I am indestructible." On 22nd February he told the *Sunday Times* that he had emerged uncommonly well from the libel action, finding himself in great demand from publishers. He went on to outline his publishing plans with Weidenfeld and Nicholson and others and ended, "Hodder and Stoughton have phoned saying please can they publish me". After a pause to translate the memoirs of Richard Gehlen and Field Marshal Keitel, Hodder have now got their wish by publishing *Hitler's War*. Presumably Hodder were not concerned about the dubiousness of Irving's history, unlike his German publishers, Ullstein of Munich, who insisted on removing the absurd "Final Solution" passages on the grounds that they

did not wish to print such obvious and dangerous nonsense.

Throughout Irving's work there runs a clear vein of manic hatred of Winston Churchill, who he believes to be "frying in hell", and a corresponding attempt to play down German culpability in the war. This is not altogether surprising when it is remembered that in 1959 Irving was editor of the Imperial College, London University magazine, *Phoenix*. In *Phoenix*, Irving published a series of extreme right-wing articles and in the end he was duly dismissed by the Board of Directors of the magazine. Shortly before his dismissal Irving had urged the Rag Committee to print a journal, *Carnival Times*. The magazine was to contain a special supplement with extreme right-wing cartoons and comments. Adverts from people like Mosley's Action Party were also included. The printers refused to publish the supplement and the committee were so appalled by the contents that they ripped out 30,000 supplements from the magazine. When Mosley came to speak at the college, Irving seconded him and told his audience that "the Notting Hill race riots were caused by coloured wideboys with knives".

Just in case anyone had any doubts about his politics, Irving informed the *Daily Mail* (1st May, 1959) "I belong to no political party. But you can call me a mild Fascist if you like. I have just come back from Madrid. I had a fine time. I returned through Germany and visited Hitler's eyrie at Berchtesgaden. I regard it as a shrine".

With the publication of *Hitler's War*, Irving has finally done his best for his one-time mentor.

Judges

Hamilton Diabolical

In the last *Eye*, a question mark was raised over the future of Mr. Justice Wien. Was he to be the first judge removed from the bench since 1703? The answer this week appears to be no — only on the grounds that if any judge is to be removed from the bench at present, the most powerful claim must surely come from Mr. Justice King-Hamilton. King-Hamilton presided over the recent *Gay News* blasphemy case. Opinion in the Inns of Court is divided between those who think he was given the case in order to ensure a conviction against the newspaper — and those who think he was given it because any conviction in King-Hamilton's court on a sex case stands an excellent chance of being overruled on appeal.

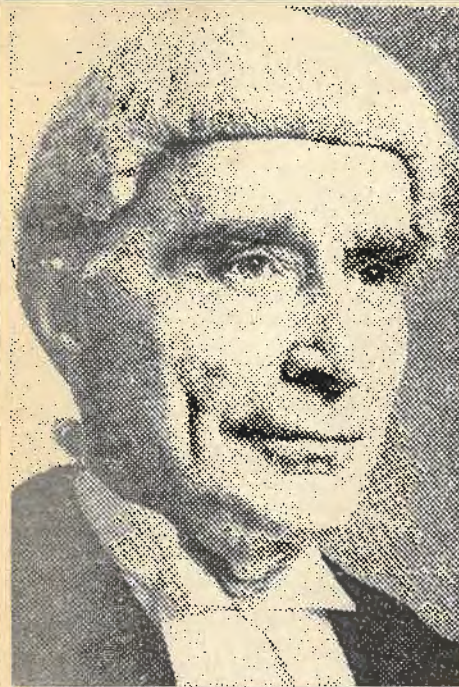
Supporters of the second view point to the judge's inability to refrain from expressing irrelevant, reactionary views during his cases. In particular, he is inclined to hark back to the grand old days of flogging. In October 1965, he told a young man: "It is conduct such as yours that sometimes causes judges to regret they no longer have the power to order corporal punishment". Ten years later (February 1975) he was still at it:

"A great many people" he informed Graham Foster, who had stolen a car "would not appear in the dock if they had corporal punishment when they were younger. It's a great pity the courts no longer have the power to order corporal punishment. The best form of psychiatric treatment is administered not to the head but to the backside".

This seems to have upset someone in the Inns of Court, for a few days later on the 11th February, the *Daily Telegraph* carried the following remarkable disclaimer:

"Contrary to a report of February 5, Judge King-Hamilton, an Old Bailey judge, asks us to state that he is not and never has been in favour of flogging. Any misunderstanding is regretted".

A more serious outburst from King-



Hamilton earned the early release of a man who had been convicted of robbery. In February 1970, King-Hamilton stopped the case of Michael Barnes to tell his lawyer that he should be pleading guilty. "I take a very serious view of hopeless cases being decided at public expense," he said. This unusual interpretation of a judge's right to decide a case before defence case is heard earned King-Hamilton a sharp rebuke in the Court of Appeal. Quashing the conviction, Lord Parker, the Lord Chief Justice said, "The judge's outburst was wholly improper".

The case underlined another interesting characteristic of King-Hamilton: his ability to contradict himself totally in successive sentences. In his 1970 "outburst", he said:

"It does not add anything to a sentence because a man pleads not guilty. But if he had pleaded guilty, I could have taken something off and given him credit for saving public time and money".

Or, to put it another way, it does add to a sentence if a man pleads not guilty.

In like style, King-Hamilton told the blasphemy trial this month:

"Although I sometimes read poetry and, as a rule, like what I read, I do not profess to be a judge of it and therefore would not presume to express an opinion as to whether this particular poem is a good one, a bad one or an indifferent one. But I have no doubt whatever that this poem is quite appalling".

In November 1972 King-Hamilton presided over an obscenity case brought by the Crown against two magazines called *In Depth* and *New Direction*. The case was peppered with remarks from the judge which indicated his horror of the publications, but the jury acquitted the publishers on all counts.

However, the judge then awarded costs against the publishers — which amounted to some £5,000. "Those who publish this sort of material know the risks they are running," he said.

Three months later, he was sitting again in an obscenity case, this time against the comic, *Nasty Tales*. Once again, *Nasty Tales* was acquitted. *The Sunday Times* commented:

"What may have influenced the jury was the judge's own views". But again, King-Hamilton forced the comic's publishers to pay the costs of the case. "Any company," he explained, "which publishes for gain material of this kind which, quite apart from sex and violence, freely encourages drug-taking, can hardly be surprised if it is prosecuted."

(During the *Nasty Tales* trial Defence Counsel announced that he wished to call Germaine Greer as a witness. "Oh, God!" was the judge's impatient reaction.

Irritation at juries' acquittals of prisoners

is a common feature of Mr. Justice King-Hamilton. When Janie Jones was acquitted of blackmail in 1974, Hamilton sent her down for seven years for a relatively minor prostitution offence. Into the bargain, King-Hamilton described Miss Jones as "the most evil woman ever to come before me".

This sort of hostility towards prisoners sometimes carries the judge over the bounds of the law. In December 1973, two men, Harold Heawood and Kenneth Rock were convicted and jailed on charges of indecency with young boys.

Their convictions were quashed by the Court of Appeal. Lord Justice Roskill commented: "The judge's summing up was extremely unsatisfactory and contained serious misdirections and non-directions".

It is hoped that the Appeal Court will take a similar view of King-Hamilton's disgraceful handling of the *Gay News* case. Points to bear mind: King-Hamilton refused the defence permission to call literary or religious experts because they might "confuse the issue"; Counsel was not even allowed to refer to the fact that James Kirkup was a Professor or that he was a Christian of sorts whose verse has been performed at Durham and Peterborough cathedrals in 1956 at the express wish of the then Archbishop of Durham, Michael Ramsey, later Archbishop of Canterbury; King-Hamilton defined what was like to cause a Breach of the Peace as anything that "would make people angry". He also defined blasphemy as any attack on Christ which has in it some irreverence. (How do you attack Christ or any other religion without irreverence?)

The Appeal Court might remember, into the bargain, that Mr. Justice King-Hamilton is not always as scrupulous in observing court rules as he likes others to be. In 1972, he allowed Felix Topolski into his court to draw pictures of all and sundry to assist the funds of the Reformed synagogue, Upper Berkeley Street, of which he is chairman. When this fact was revealed, King-Hamilton offered to resign both from the bench and from the synagogue. Unfortunately for both, his offer was refused.

Finance

White Man's Graiver

Geneva's Continental Trade Bank, possibly better known as the old and more obvious Swiss-Israel Trade Bank, is an institution that seems to attract unflattering publicity.

In the early seventies there was considerable speculation that certain customers of Swiss-Israel's Manchester branch were maintaining secret numbered accounts in other Swiss banks — not, of course, with the bank's knowledge or connivance. Then its former Manchester manager Sidney Friedland featured with the Labour Government's "Mr. Money". Harold Lever, in the ill-fated Northern Commercial Trust, as did a lot of old Swiss-Israel clients. NCT went down in the great "fringe" bank tidal wave.

Now Continental Trade Bank, which maintains a branch in London, finds itself enmeshed in the fascinating, "is he, isn't he", Lucan-like saga of the vanishing Polish-Argentinian banker David Graiver, a mid-thirties banking prodigy who seemingly helped the Peronists and the Montoneros urban guerrillas but mainly helped himself.

According to his brother, arrested earlier this year in Argentina, David Graiver is dead, killed in an unexplained air crash near Acapulco, Mexico last August. However, some of Graiver's associates, particularly in the United States, are not so sure. In their view there are over 50 million reasons — all in U.S. dollars and also equally hard to find — why he could be alive and very well.

Continental Trade Bank, which has strong South American links, hooked up with Graiver at the end of 1975 when they agreed to sell control of its New York affiliate, American Bank & Trust to his father Juan Graiver. In fact the deal was never completed but for several months the Graivers effectively ran the bank — into the ground. American Bank & Trust closed its doors last September in the fourth biggest ever U.S. bank bust.

The events leading up to that deal with the Graivers and what happened subsequently have a more than academic interest in London given the links between the Geneva and New York banks. One of the leading figures in Continental Trade Bank, Swiss based Chilean Jose Klein, was a director of American Bank & Trust.

Continental Trade Bank was eager to sell its interest in ABT because of the unstable state of the bank's finances and pressure from U.S. banking authorities. For 5 years prior to its crash ABT had been under surveillance by the local and Federal banking regulators because of its proliferation of dubious loans.

In August 1975 the New York State Superintendent of Banks accused ABT of engaging in "unauthorised and unsafe practices". These included not writing off bad loans and extending credit without collateral. Despite agreeing not to do so the bank "continued the unsafe and unauthorised practices the bank official said later. Juan Graiver's arrival to rescue the bank from its liquidity crisis turned out to be some rescue. Graiver had agreed not to use ABT funds to stage the rescue. Yet a \$1,000,000 (£580,000) loan note he purchased from the troubled bank was paid for with a cheque drawn on his personal account at the bank which only contained £116 at the time. The rest came from another account at the bank operated by Bankers Holding International (a Luxembourg company owned by the Graivers) which in turn provided the cash thanks to an overdraft from ABT!

Although his father had not paid for the shares, completion being held up by the absence of the necessary official approval, David Graiver is said to have taken over the running of the New York bank without ever being a director. Eight months later when his Falcon executive jet flew smack dab into a Mexican mountain, some £10,000,000 had disappeared into shakey or shady Graiver ventures — one of his latest U.S. schemes involved porno films.

American Bank & Trust had always based its prospects, in the words of the *New York Times*, "on the premise that contacts among the influential are the most direct route to new business".

It cultivated close connections with prominent business and political figures in New York. The Big Apple's Mayor Abe Beame was a one-time director. The bank's chairman was officially criticised for using its mailing list to raise cash for Beame's election in 1973. The state Democratic Party chairman and his law firm partner were recently acquitted on charges of attempting to conceal the fact that they had received nearly £30,000 in legal fees for work they did not do when the bank was seeking state government deposits. At the finish ABT still held some £12,000,000 in deposits (10% of the total) from New York city and state funds.

In one way at least, these high powered connections came through in the end for American Bank & Trust. The bank was taken over by Bank Leumi, one of the major Israeli banks, which bid twice the next highest offer thereby ensuring a sympathetic and discreet solution.

But outsiders assessing the role of the erstwhile and seemingly absentee controlling shareholder, Continental Trade Bank, in the events of the past two years may dwell on the comment of the New York Superintendent of Banks: "These (unsound) practices could not have occurred without the acquiescence of the bank's management. Moreover many transactions involving questionable activities were apparently designed to mislead (bank regulators)".